



**FOR CLERK USE ONLY**  
City Council  
Item No.

## CITY COUNCIL AGENDA FACT SHEET

Administration

Department

November 17, 2009

Requested Date

**1. Request:**

Council Approval ☒

Other (specify) ☐

Information Only/  
Presentation ☐

Hearing ☐

**2. Requested Action:**

Adopt Resolution to fill a vacant Council seat.

**3. Fiscal Impact:**

Revenue:

Increase ☐

Decrease ☐

Source:

Amount: \$

Cost:

Increase ☐

Decrease ☐

Source:

Amount: \$

Does Not Apply ☒

**4. Reviewed By:**

Finance Dept. on

By:

Comments:

City Attorney on

By:

Comments:

*Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.*

**CLERK USE ONLY:**

CITY COUNCIL DATE:

Action ☐

Consent ☐

Hearing ☐

Filing ☐

Presentation ☐

Other(specify) ☐

Reviewed by: City Clerk

Date

City Manager

Date

# **CITY COUNCIL AGENDA REPORT**

**SUBJECT: Resolution of the City Council of the City of Calexico, California, to Fill a Vacant Council Seat**

**AGENDA DATE: November 17, 2009**

**PREPARED BY: Jennifer M. Lyon, City Attorney**

**APPROVED FOR AGENDA BY: Victor Carrillo, City Manager**

## **RECOMMENDATION:**

- Adopt Resolution No. \_\_\_\_\_ authorizing the City Council to appoint a person to fill the vacant seat on the City Council.
- Appoint a person to fill the vacancy.

**FISCAL IMPACT: None.**

**BACKGROUND:** Councilmember Fuentes was recently appointed by the Governor to fill a vacant seat on the County Board of Supervisors. On November 5, 2009, Councilmember Fuentes submitted his letter of resignation effective immediately upon receipt in the City Clerk's office. The term of his vacant seat is set to expire in June of 2010.

## **DISCUSSION:**

The process for filling a vacancy is set forth in Government Code section 36512. Within 30 days of a vacancy, the city council must fill the vacancy by (1) appointment or (2) by calling a special election to be held on the next established election date not less than 114 days thereafter. Gov't Code section 36512. The successor serves from the date of appointment or the Tuesday following the special election, until the expiration of the predecessor's term.

At a special meeting held on November 5, 2009, the City Council made the decision to appoint a successor to serve the remainder of Councilmember Fuentes' term. At that meeting, the Council decided to advertise the vacancy from November 6 until November 12 and solicit letters of interest from qualified applicants. The Council further determined that they will make the appointment on November 17, 2009 at a regularly noticed meeting, in order to meet the requirement set out in California Government Code section 36512 that the vacancy be filled within 30 days.

To be qualified, the applicant must be a resident of the City of Calexico and be a registered voter in the City. (California Government Code sections 34882.) Once appointed, the new councilmember can begin serving immediately upon being sworn in. The appointee will serve until June of 2010, the remainder of Councilmember Fuentes' term.

**RESOLUTION NO. 2009-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO  
AUTHORIZING THE CITY COUNCIL TO APPOINT A PERSON TO FILL THE  
VACANT SEAT ON THE CITY COUNCIL.**

**WHEREAS**, on November 4, 2009, Councilmember Louis Fuentes was appointed to the County Board of Supervisors, creating a vacancy on the City Council; and

**WHEREAS**, the City Council of the City of Calexico is the governing body of the City and is charged with the responsibility to fill vacancies which occur on the City Council pursuant to Government Code section 36512; and

**WHEREAS**, California Government Code section 36512 allows for the Council to fill vacant council seats through an appointment or by calling a special election; and

**WHEREAS**, the City Council desires to fill the vacant seat on the City Council through appointment; and

**WHEREAS**, California Government Code section 36512 requires that the vacancy be filled within 30 after the vacancy is created; and

**WHEREAS**, at a special meeting of the City Council held on November 5, 2009, the City Council decided to advertise the vacancy from November 6 until November 12, 2009 and to invite interested parties to submit a letter of interest to the City Clerk; and

**WHEREAS**, in accordance with California Government Code section 34882, the applicant must be a resident of the City of Calexico and a registered voter in the City.

**NOW, THEREFORE**, the City Council of the City of Calexico does hereby resolve as follows:

- 1) The City Council hereby appoints \_\_\_\_\_ to fill the vacant seat on the City Council on November 17, 2009.
- 2) Once appointed, the new councilmember may begin serving immediately after being sworn in and shall serve until the expiration of former Councilman Louis Fuentes' term of office in 2010.

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**PASSED, APPROVED, AND ADOPTED** at the regular meeting of the City Council of the City of Calexico this 17th day of 2009.

\_\_\_\_\_  
DAVID OUZAN, MAYOR

ATTEST:

\_\_\_\_\_  
LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA    )  
COUNTY OF IMPERIAL    ) SS.  
CITY OF CALEXICO        )

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO HEREBY CERTIFY THAT THE ABOVE FOREGOING RESOLUTION NO. 2009- \_\_\_\_ WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CALEXICO ON THIS 17th DAY OF November, 2009 BY THE FOLLOWING VOTE, TO WIT:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
LOURDES CORDOVA, CITY CLERK